

HOUSE BILL No. 1350

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-11-2.

Synopsis: Police enforcement of federal immigration laws. Requires the superintendent of the state police department (superintendent) to: (1) negotiate terms of a memorandum of understanding (memorandum) concerning a pilot project for the enforcement of federal immigration and customs laws; and (2) designate appropriate local law enforcement officers to be trained under the memorandum. Requires: (1) the superintendent and governor, unless otherwise required by the applicable federal agency, to sign the memorandum on behalf of the state; and (2) the state police department to apply for federal funding for the costs associated with training the local law enforcement officers. Provides that a local law enforcement officer certified as trained may enforce the federal immigration and customs laws.

Effective: July 1, 2008.

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January 16, 2008, read first time and referred to Committee on Interstate and International Cooperation.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1350

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-11-2-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 2.5. As used in this chapter, "law enforcement**
4 **officer" means a:**

- 5 (1) **police employee;**
- 6 (2) **county sheriff;**
- 7 (3) **county police officer;**
- 8 (4) **county police reserve officer;**
- 9 (5) **city police officer;**
- 10 (6) **city police reserve officer;**
- 11 (7) **town marshal;**
- 12 (8) **deputy town marshal; or**
- 13 (9) **member of a consolidated law enforcement department**
14 **established under IC 36-3-1-5.1.**

15 SECTION 2. IC 10-11-2-21.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2008]: **Sec. 21.5. (a) The superintendent shall**

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1 negotiate the terms of a memorandum of understanding between:

2 (1) the state; and

3 (2) the United States Department of Justice or the United
4 States Department of Homeland Security;

5 concerning a pilot project for the enforcement of federal
6 immigration and customs laws in Indiana.

7 (b) The memorandum of understanding described in subsection
8 (a) must be signed on behalf of the state by the superintendent and
9 governor, unless otherwise required by the United States
10 Department of Justice or the United States Department of
11 Homeland Security.

12 (c) The superintendent shall designate appropriate local law
13 enforcement officers to be trained under the memorandum of
14 understanding described in subsection (a).

15 (d) The department shall apply for federal funding for the costs
16 associated with training local law enforcement officers under the
17 memorandum of understanding described in subsection (a).

18 (e) A local law enforcement officer certified as trained in
19 accordance with the memorandum of understanding described in
20 subsection (a) may enforce federal immigration and customs laws
21 while acting within the scope of the local law enforcement officer's
22 duties.

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